

Jury demand date: 11-14-72, by Pltf.

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>MOBILE POWER ENTERPRISES, INC., an Oklahoma corporation,</p> <p>vs</p> <p>POWER VAC, INC., a foreign corporation and ANILAS CORPORATION, a foreign corporation</p>		<p>For plaintiff: Phil Thompson McConnico and Thompson 808 Wright Building Tulsa, Oklahoma 74103 (582-3124)</p> <p>For defendant: Dan A. Rogers (Power Vac) 117 East 5th Street Tulsa, Okla. 74103 (583-5111)</p> <p>Paul McBride (Anilas) P. O. Box 1439 Tulsa, Okla. (587-3361)</p>					
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 12-1-72 7-1-74	Clerk		11-8-72	McBride	15 00		
			11-9-72	C.D.No.21		15 00	
			8-16-73	P.Thompson	5.00		
J.S. 6 mailed 8-1-73 8-1-74	Marshal		8-16-73	CD No 3		5.00	
Basis of Action: Property damage caused by negligence	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-8-72	Petition for removal from District Court of Tulsa County, filed. hm	
11-8-72	Bond on removal in the amt. of \$500.00, filed. Surety, Oklahoma Surety Company. hm	
11-8-72	Answer of deft. Power Vac, Inc., filed. hm	
11-8-72	Answer of deft. Anilas Corporation, filed. hm	
11-9-72	Notice of Filing of Petition and Bond for Removal by Joint Defendants, filed. v	
11-9-72	Acknowledgment of the Clerk of the District Court in and for Tulsa Co., Oklahoma, of Receipt of Copy of the Notice, Petition and Bond for Removal, filed. v	
11-13-72	Case set for pre-trial 12-14-72 at 9:30 a.m. (LB-J)hm	
11-14-72	Motion for Consolidation of Actions and <u>Demand for Jury Trial</u> , filed by Plaintiff. v -order to Judge.	
11-17-72	Order, filed, consolidating 72-C-412 with this case. (LB-J)hm (copies mailed)	
12-1-72	Order, filed, that Power Vac, Inc., a Kansas corporation, is substituted for the defendant, Power Vac Corporation, a Texas corporation. (LB-J)hm (copies mailed)	
12-14-72	Case called for pre-trial hearing and passed to next pre-trial docket at request of parties. (LB-J)hm	
1-11-73	Deposition of Elmer E. Ailts, on behalf of defendant, taken in Chicago, Ill. on 11-27-72, filed. ds	
1-29-73	Pltf's first interrogatories & request for admissions directed to deft. Power Vac, Inc., filed. g	
1-29-73	Pltf's first interrogatories & request for admissions directed to deft. Anilas Corp., filed. g	
1-31-73	Cases set for pre-trial hearing 2-14-73 at 10:00 a.m. (LB-J)hm	
2-12-73	Defendant's request for additional time to answer interrogatories and respond to request for admissions, filed. ds	
2-14-73	Pre-trial hearing held. Defts. granted leave to amend answer within 10 days. Pltf. to prepare pre-trial order and case to be set for jury trial. (LB-J)hm	
2-14-73	Order, filed, granting deft. Anilas Corp. an additional 10 days to answer interrogatories & requests for admission. (LB-J)hm (copies mailed)	
2-21-73	Amended answer of deft. Power Vac to petition & amended petition, filed in 72-C-411. hm	
2-21-73	Amended answer of deft. Power Vac to petition & amended petition, filed in 72-C-412. hm	
2-21-73	Application of deft. Power-Vac for ext. of time to ans. interrog., filed. hm	
2-23-73	Defendant's answers to plaintiff's first interrogatories and request for admissions, filed. ds	

Continued

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-26-73	Answers of def. Anilas to pltf.'s interrog. and req. for adm., filed. rm	
2-28-73	Ans. of def. Anilas Corporation to Amended Petition, filed. jj	
3-8-73	Case set for jury trial Tuesday, 4-24-73 at 9:30 a.m. (LB-J)hm	
3-9-73	Appl. of the Pltf. for Order requesting Deft., Anilas, to produce documents, filed. v -order to Judge	
3-9-73	Request for Production of Documents, filed by Pltf. to Deft., Anilas, Inc. v	
3-14-73	Order, filed (part of application) that deft. Anilas, Inc. is to produce documents requested by pltf. at pltf's expense within 15 days. (LB-J)hm (copies mailed)	
3-16-73	Deposition of Eugene Ashley Gaters, taken by defendants, before the undersigned CSR-Harvey W. Stephens. Pd by defs. \$57.50. h	
3-26-73	Defendant Anilas, Inc.'s response to motion to produce, filed. ds	
3-26-73	Pre-trial order, filed. (LB-J)hm	
3-28-73	Deposition of Charles Walker taken by pltf's., filed. (\$33.75)g	
4-18-73	Motion for Summary Judgment, filed. jj	
4-18-73	Motion by Defts. to Compel the Joinder of Additional Pty. Pltf., filed. jj	
4-18-73	Brief in Support of the Defts' Motion for Joinder of an Additional Pty. Pltf., filed. jj	
4-19-73	It is ordered by the Court that the Mtn. for S/J filed by deft. Anilas, Inc., is hereby overruled; and that the mtn. by defts. Power Vac, Inc. and Anilas, Inc. to compel the joinder of additional party plaintiff is hereby overruled. (LB-J)jj	
4-23-73	Depo. of George Edward Alfred, Sr., filed. v	
4-23-73	Depo. of Ricky Ray Nolan, filed. v	
4-24-73	Case passed from Jury Trial, pending settlement of deft. (LB-J)r	
4-26-73	Appl. of def. Anilas to tax costs and atty fees, w/brief in support thereof, filed. rm	
5-2-73	Response of pltf. to appl. of Anilas to tax costs & atty fee, w/request that matter be set for hearing, filed. rm	
5-24-73	Hearing on Appl of deft Anilas to tax costs & atty fees. Parties rep. Mr. Dan Rogers req that money be deposited into the Registry of the Court - going to the Pltf. If any questions arise, the Court will take under consideration. Deft. Anilas entitled to attys fees from Pltfs. (LB-J)r	
6-1-73	Mot. for new trial and response to appl. to tax costs & atty. fees, filed. v	
6-1-73	Memorandum in support, filed. v	

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-6-73	Appl. of the Pltf.s for Order of Dismissal with Prejudice, filed. v	
7-11-73	Order of dismissal with prejudice, filed and entered, directing Clerk to release draft in amt. of \$16,000.00 to attys. for pltf; dismissing pltf's cause; and remaining issue of taxing & assessing of costs between Anilas, Inc. and Mobile Power Enterprises, Inc. be reserved for decision by the Court. (LB-J)hm (copies mailed)	
7-17-73	Supplemental Brief in Support of an Application Tax Costs and Atty. Fees in response to the Pltf.s' Memorandum Brief, filed by Deft., Anilas, Inc. v	
7-19-73	Hearing held on deft. Anilas' application to tax costs and attorney fees and pltf's motion for new trial as to costs & atty. fees. Statements made. Court takes ruling under advisement and will enter an order. (LB-J)hm	
7-24-73	Order, filed, sustaining motion of Anilas Inc. to tax costs, and directing that the sum of \$1250.00 be distributed as attorneys fee to attys. for Anilas, Inc. from the funds held in trust by Mobile Power Enterprises; that from the residue of the \$1500 held in the trust account, costs of this action be paid; and balance of any remaining should go to the plaintiff Mobile Power Enterprises. Said distribution shall be completed within 10 days. (LB-J)hm (copies mailed)	
8-15-73	Notice of appeal by pltf. Mobile Power to order of 7/24/73, filed. rm (copies to USCA, McBride and Rogers)	
8-15-73	Supersedeas bond in amt. of \$2500, filed. rm	
8-29-73	Appeal record (1 vol.) forwarded to USCA. g	
6-26-74	Mandate & Opinion of USCA reversing judgment of 7-24-73, filed and spread of record. g	
6-28-74	Appeal record (1 vol.) rec'd from USCA. g	
7-17-74	Case set for disposition 7-25-74 at 9:30 a.m. (LB-J)hm	
7-25-74	Case called for disposition. Parties represented. Statements made. Order, filed and entered in open court, that portions of order of dismissal of 7-9-73 and order allowing fees of 7-19-73 are hereby vacated insofar as they relate to the payment of atty. fees for the benefit of counsel for Anilas, Inc. (LB-J)hm (copies mailed)	